

Docket No. CV0331

Remarks

This Amendment After Final Rejection is being filed in response to the Office Action mailed June 9, 2009, in this application. A request for a one-month extension-of-time and a Notice of Appeal accompany this Amendment. Amendments have been requested to claims 1 and 18. Support for the amendments to claim 1 can be found in the published application in paragraphs 0027-0030. The amendment to claim 18 is to correct an inadvertent error of claim dependency. Claims 1-3, 5-16 and 18-22 remain pending in this application. Entry of this Amendment and reconsideration of the application are respectfully requested.

Claims 1-3, 5, 13-16 and 18-22 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 0 691 113 A1("Collyer") in view of U.S. Patent No. 4,029,103 ("McConnell") along with U.S. Patent No. 5,447,492 ("Cartmell"); claim 6 was rejected under 35 U.S.C. §103 as being unpatentable over the documents applied above and further in view of U.S. Patent No. 6,566,575 ("Stickels, et al."); claims 7-10 and 12 were rejected under 35 U.S.C. §103 as being unpatentable over the documents applied above and further in view of U.S. Patent No. 6,552,244 ("Jacques, et al."); and claim 11 was rejected under 35 U.S.C. §103 as being unpatentable over the documents applied above and further in view of 6,700,034 ("Lindsay, et al."). Applicants traverse all these rejections.

Each of the rejections is based in part on Collyer. As discussed in the Applicants' last responses, to the limited extent that Collyer includes a slit, the slit is described in Collyer on page 6, lines 5-6, in the description of Figs. 9 and 10: "Fig. 9 shows a standard cross-cut, and Fig. 10 shows a cross-cut with hole, formed in a dressing of the kind shown in Fig. 1." There is no suggestion to alter the slit of Collyer for any reason or that a curved slit would provide a better seal, enhancing conformability and reducing the risk for leakage and infection.

Further, when amended, the claims of the instant application require that the absorbent layer does not extend along an edge of the slit, leaving a border free of absorbent layer adjacent the slit. As explained in paragraph 0028 of the publication of the instant application, the border[s] along the slit are preferably free of absorbent pad, but can be coated with adhesive so that the edges along the slit can be secured to the

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skin surrounding the wound or to a part of the dressing, but can also serve to secure the drainage tube. In Collyer, the embodiment with the cross-cut, Figures 9 and 10, is a non-adhesive dressing. It is described as being suitable for using with a tracheotomy, and its method of fixing is not mentioned. The only adhesive version disclosed by Collyer is that of Figure 12. It is an island type of dressing which has no cross-cut. Rather, it is described as being suitable for use in patients with sacral sores. The dressings of Figures 9 and 12 have very different uses, and there is no suggestion that the features of one would be suitable for use in the indication of the other. In no case does Collyer disclose a dressing that is apertured and slit to an outer edge where the absorbent layer does not extend along the edge of the slit. Rather, Collyer clearly shows that the absorbent layer does extend along the edge of the slit as can be seen from the part side views of Figures 9 and 10.

The present rejection asserts that Collyer teaches all of the features of claim 1 excepting the curved path and the absorbent free edges of the slit. McConnell is cited as teaching a slit with a curved path. However, without hindsight, Applicants submit there would be no reason to modify the slits of Collyer, and McConnell provides no such reason.

McConnell does not relate to a wound dressing but to a device that anchors and directs medical tubing. McConnell is not concerned with providing an absorbent dressing that accommodates a drainage tube as well as managing exudate present in the region of the tube, but, rather, with a device that bends the tube. There is no incentive in Collyer to modify the straight slit from the aperture to the edge of the dressing and McConnell provides none at all.

The device of McConnell is not a dressing. It has no thin film or absorbent layer and is not subject to the same problems of sealing a wound using a wound dressing that must be applied around a tube that will pass through the dressing. McConnell does not teach or suggest that making a curved path in the slit of a wound dressing would give the advantages in terms of ease of application that Applicants' invention gives. Applicants' invention is concerned with making a wound dressing for post-operative sites that require drainage and making that dressing easy to apply and seal around the wound and tube. Applicants' dressing is not concerned with how best to bend the

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drainage tube. McConnell's device has a curved slit because McConnell wants to bend the tube exiting the patient's body. The person of ordinary skill would not look to McConnell when looking to improve wound dressings with slits because the skilled person is not interested in how best to bend the tube but, rather, with how to make a wound dressing easier to apply around it. McConnell does not teach that, by making the slit in the dressing curved, easier application of the dressing could be achieved.

The rejection goes on to assert that Cartmell could be combined with Collyer to teach an absorbent layer that does not extend to the edge of a film. Applicants' claims require that the absorbent does not extend along the edge of the slit. This distinction appears not to have been noticed but it is important in that by not extending along the edge of the slit, the missing absorbent layer allows the adhesive layer (if present) to secure the edges of the slit to each other and around the drainage tube. This is an important advantage of the dressing according to claim 1. Cartmell shows the absorbent layer extending to the edge of the slit and therefore cannot be said to motivate the skilled person to omit it from the dressing of Collyer.

It has become clear that the misunderstanding is that Cartmell perhaps shows an absorbent material 22 that does not extend to the outer edge of the dressing, where slit 30 ends. However, what Applicants intended and now very clearly claim is that the absorbent layer does not extend "along the edge of the slit, leaving a border free of absorbent layer adjacent the slit".

In order to reject these claims, at least three documents are combined without any motivation to do so. Even by making the combination, a dressing with the features of claim 1 is not obtained.

At least for these reasons, Applicants submit that the claims are unobvious over Collyer, McConnell and Cartmell. Accordingly, Applicants request that this rejection be withdrawn.

None of the other documents overcomes the deficiencies of Collyer, McConnell and Cartmell. Missing from each of the rejections are at least the curved path of the slit in the dressing and the absorbent free/adhesive edges of the slit. Accordingly, Applicants request that these rejections be withdrawn as well.

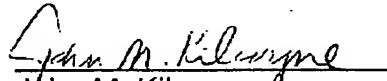
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In view of the foregoing, entry of this amendment, reconsideration of this application and allowance of the application with claims 1-3, 5-16 and 18-22 are respectfully requested.

Respectfully submitted,

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Date: October 9, 2009


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